



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS TX 75202-2733

JUN 13 2011

GENERAL NOTICE LETTER
URGENT LEGAL MATTER
PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

American Commercial Lines
Michael P. Ryan
President and Chief Executive Officer
1701 E. Market Street
Jeffersonville, IN 47130

Re: General Notice Letter for the Gulfco Marine Maintenance Site
in Freeport, Brazoria County, Texas

Dear President Ryan:

The U.S. Environmental Protection Agency (EPA) is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the Superfund law. The EPA has documented that such a release has occurred at the Gulfco Marine Maintenance Site (Site) in Freeport, Brazoria County, Texas. The EPA has spent, or is considering spending, public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site. Based on information presently available to EPA, EPA has determined that your company may be responsible under CERCLA for cleanup of the Site and costs EPA has incurred in cleaning up the Site.

Site Background

The Site is a former barge cleaning, sand blasting, and repair facility operated from 1971 to 1998. Wash waters from barge cleaning were stored in three surface waste impoundments in the north area until the impoundments were closed in 1982. Afterwards, wastewater was stored in a floating barge or storage tanks at the Site. Surface storage tanks located in the concrete berm area contained volatile organic compounds including benzene, chloroform, dichloroethane, and trichloroethylene. The potentially responsible parties (PRPs) conducted a removal action in Spring 2011 that removed the remaining storage tanks and contaminated soil in the tank storage area at the Site. The Remedial Investigation, completed in May 2011, indicates Site contaminants include polycyclic aromatic hydrocarbons, pesticides, chlorinated hydrocarbons, and metals.

Explanation of Potential Liability

Under CERCLA, specifically Sections 106(a) and 107(a), PRPs may be required to perform cleanup actions to protect the public health, welfare, or the environment. The PRPs may also be responsible for all costs incurred by EPA in cleaning up the Site, unless the PRP can show divisibility or any statutory defenses. The PRPs include current and former owners and operators of a Site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the Site, and persons who accepted hazardous substances for transport and selected the Site to which the hazardous substances were delivered.

The EPA believes that your company may be liable under Section 107(a) of CERCLA with respect to the Site, as an arranger, who by contract or agreement, arranged for the disposal, treatment or transportation of hazardous substances at the Site. This determination is based on results of prior investigations by EPA and the Gulfco Restoration Group and documentation EPA has in its possession regarding operations at the Site. The Gulfco Restoration Group is comprised of four PRPs conducting the Remedial Investigation and Feasibility Study under a Unilateral Administrative Order issued on July 14, 2005.

To date, EPA and the Gulfco Restoration Group have taken several response actions at the Site under the authority of the Superfund Program. Below is a brief description of the actions taken at the Site:

- The EPA conducted a Preliminary Assessment and Site Investigation in order to gain a basic understanding of any risks posed to human health and/or the environment by releases or threatened releases from the Site.
- The Gulfco Restoration Group conducted a Removal Action to address the immediate threat to the environment or human health posed by the Site by removing above-ground storage tanks and soil.
- The Gulfco Restoration Group conducted a Remedial Investigation to identify the Site characteristics and to define the nature and extent of soil, air, surface water, and groundwater contamination at the Site and the risks posed by the Site. The Remedial Investigation Report was approved on May 5, 2011.
- The Gulfco Restoration Group is currently conducting the Feasibility Study to evaluate different cleanup options for the Site.

Information to Assist You

The EPA would like to encourage communication between you, other PRPs, and EPA at the Site. The EPA recommends that all PRPs receiving this letter contact the Gulfco Restoration Group to discuss the Site. Establishing a manageable group is critical to successful negotiations with EPA. If this is not possible, EPA encourages each PRP to select one person from its company or organization to represent its interests to EPA.

To assist you in your efforts to communicate, please find the following enclosed information:

1. A list of names and addresses of PRPs to whom this letter is being sent (Enclosure 1).
2. A list of names and addresses of the Gulfco Restoration Group (Enclosure 2).
3. A collection of EPA Site records, some redacted to protect personal privacy, pertaining to the cleaning of barges at the facility (Enclosure 3, on Compact Disc).
4. A report developed by the Gulfco Restoration Group that summarizes EPA's barge cleaning records (Enclosure 4, on Compact Disc).
5. The Removal Report (Enclosure 5, on Compact Disc).
6. The Unilateral Administrative Order for the Remedial Investigation/Feasibility Study which was issued to four PRPs on July 14, 2005 (Enclosure 6, on Compact Disc)
7. The Final Remedial Investigation Report (Enclosure 7, on Compact Disc).
8. A fact sheet that describes the Site (Enclosure 8).

EPA has established an Administrative Record that contains documents that serve as the basis for EPA actions at the Site. The Administrative Record is located at:

Freeport Branch Library
410 Brazosport Boulevard
Freeport, Texas 77541
(979) 233-3622

and

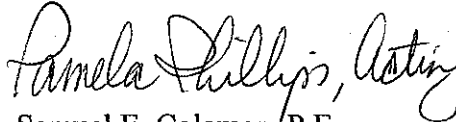
EPA Region 6 Office
1445 Ross Avenue
Suite 1200
Dallas, Texas 75202
(800) 887-6063

Opportunity to Meet

My staff will be available to meet with you at the Region 6 Office in Dallas, Texas, to explain to you the Superfund program, this notice letter, the enclosed information and respond to any concerns and questions you may have. If you wish to meet, please notify Mr. Kevin Shade, Enforcement Officer, at (214) 665-2708 or shade.kevin@epa.gov.

If you have any questions regarding this letter, please contact Mr. Shade at the number above. If you have technical questions about the Site or the information provided, please contact Mr. Gary Miller, Remedial Project Manager, at (214) 665-8318 or miller.garyg@epa.gov. If you or your attorney have legal questions, please contact Ms. Anne Foster, Assistant Regional Counsel, at (214) 665-2169 or foster.anne@epa.gov. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Samuel E. Coleman".

Samuel E. Coleman, P.E.

Director

Superfund Division

Enclosures (8)

cc: Gulfco Restoration Group

**GULFCO MARINE MAINTENANCE SITE
GENERAL NOTICE LETTER**

ENCLOSURE 1

Parties Receiving General Notice

American Commercial Lines
Michael P. Ryan
President and Chief Executive Officer
1701 E. Market Street
Jeffersonville, IN 47130
(212) 905-0010

BASF Corporation
Hans Engel
Chairman and Chief Executive Officer
100 Campus Drive
Florham Park, NJ 07932
(973) 245-6000

Blessy Marine
Clark Todd
President and Chief Operating Officer
1515 River Oaks Road East
Harahan, LA 70123
(504) 734-1156

Kirby Corporation
on behalf of Dixie Carriers, TPT Transportation,
and Hollywood Marine
Greg R. Binion
President and Chief Operating Officer
55 Waugh Drive, Suite 1000
Houston, TX 77251-1537
(713) 435-1000

**GULFCO MARINE MAINTENANCE SITE
GENERAL NOTICE LETTER**

ENCLOSURE 2

GulfcO Restoration Group Parties

Chromalloy American Corporation

**Counsel: F. William Mahley
Strasburger & Price, LLP
1401 McKinney Street, Suite 2200
Houston, TX 77010**

The Dow Chemical Company

**Counsel: James C. Morriss
Thompson & Knight LLP
98 San Jacinto Boulevard, Suite 1900
Austin, TX 78701**

LDL Coastal Limited, L.P.

**Counsel: Allen B. Daniels
6363 Woodway Drive, Suite 730
Houston, TX 77057**

Parker Drilling

**Counsel: John R. Eldridge
Haynes and Boone, LLP
One Houston Center
1221 McKinney Street, Suite 2100
Houston, TX 77010**

**GULFCO MARINE MAINTENANCE SITE
GENERAL NOTICE LETTER**

All on Enclosed Discs

ENCLOSURE 3

**EPA Records -
Barge Cleaning Documents**

ENCLOSURE 4

PRP Nexus Report

ENCLOSURE 5

Removal Report

ENCLOSURE 6

**Unilateral Administrative Order for
the Remedial Investigation/Feasibility Study**

ENCLOSURE 7

Final Remedial Investigation Report

**GULFCO MARINE MAINTENANCE SITE
GENERAL NOTICE LETTER**

ENCLOSURE 8

Site Status Summary

Gulfco Marine Maintenance SUPERFUND SITE

Freeport, Brazoria County, Texas

EPA Region 6

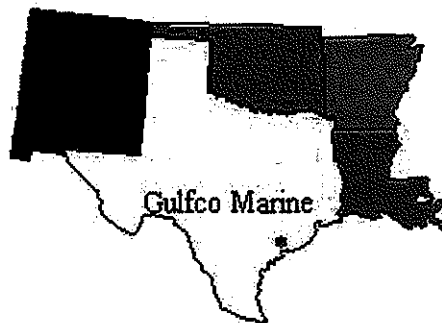
EPA ID: TXD055144539

Site ID: 0602027

State Congressional District: 25

Contact: Gary Miller 214-665-8318

Updated: June 2011



Background

The Site is located in Freeport, Texas at 906 Marlin Avenue (also referred to as County Road 756). The Site consists of approximately 40 acres along the north bank of the Intracoastal Waterway between Oyster Creek (approximately one mile to the east) and the Texas Highway 332 bridge (approximately one mile to the west).

Marlin Avenue divides the Site into two primary areas. The property to the north of Marlin Avenue (the North Area) consists of undeveloped land and the closed surface impoundments, while the property south of Marlin Avenue (the South Area) contains a dry dock, sand blasting areas, and two barge slips connected to the Intracoastal Waterway.

Adjacent property to the north, west, and east of the North Area is unused and undeveloped. Adjacent property to the east of the South Area is currently used for industrial purposes. The property to the west of the South Area is currently vacant and previously served as a commercial marina. Residential areas are located south of Marlin Avenue, approximately 300 feet west of the Site, and 1,000 feet east of the Site.



The site operated as barge cleaning and repair facility from 1971 to about 1998. Barges brought to the facility were cleaned of waste oils, caustics, and organic chemicals. Three surface impoundments in the North Area were used for storage of waste oils, caustics, various organic chemicals, and waste wash waters generated during barge cleaning activities until 1981. The impoundments were closed in 1982. Shallow groundwater (salt water) below the former impoundments has been found to contain various organic chemicals including 1,1,1-trichloroethene, tetrachloroethene, and trichloroethene.

In October 2010 the EPA and the Gulfco Respondents signed a Consent Order, which required the Respondents to remove the storage tanks located in the southern part of the site. The removal work began in November 2010 and was completed by February 2011 with the exception of six roll-off containers which remain on-site waiting on disposal facility capacity. These roll-off containers were removed in March 2011.

Current Status

The EPA issued a Unilateral Administrative Order, effective July 29, 2005, to the Gulfco Respondents to perform a remedial investigation to define the nature and extent of contamination at the site, and to prepare a Feasibility Study to identify and screen remedial action alternatives. The Human Health and Ecological Risk Assessments have been completed. The Remedial Investigation Report, which describes the nature and extent of the contamination, has also been completed, and the draft Feasibility Study is currently undergoing regulatory review.

Benefits

Remediation of the contaminated area will reduce human health and ecological risks associated with the contaminants at the site. Further, revitalization of the area will encourage reuse or redevelopment plans.

National Priorities Listing (NPL) History

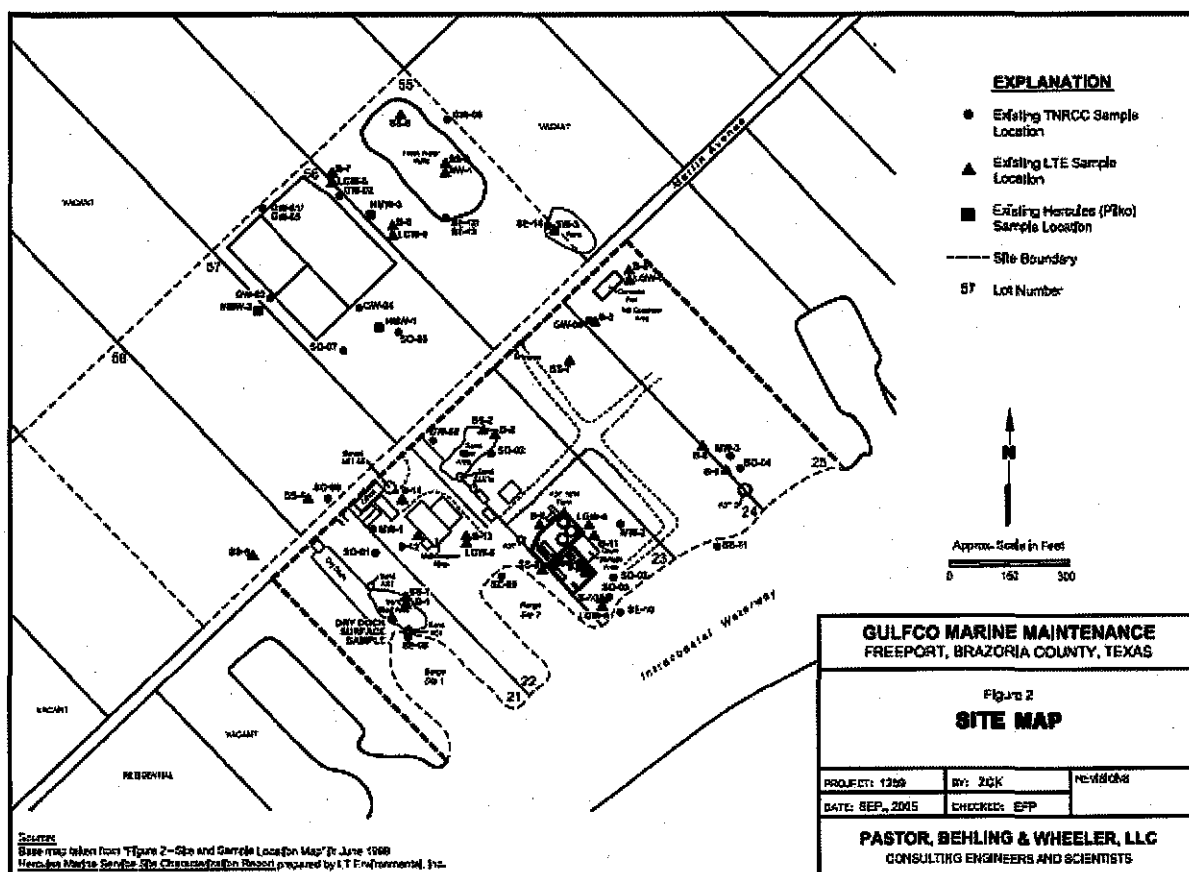
Proposal Date: September 2, 2002
Final Listing Date: May 30, 2003

Population: A residential area is located near the site to the southwest. Approximately 78 people live within the one square mile area surrounding the Site, and 3,392 people live within 50 square miles of the Site. The population of the City of Freeport is 12,800.

Setting: The Gulfco site lies along the north bank of the Intracoastal Waterway between Oyster Creek to the east and the Old Brazos River Channel and the Dow Barge Canal to the west. It is approximately 40 acres in size. The site property north of Marlin Avenue consists of undeveloped land and closed surface waste impoundments. The property south of Marlin Avenue was developed for industrial uses with two barge slips connected to the Intracoastal Waterway. A fence has been installed around the property south of Marlin Avenue to restrict land access. A wetland area is located north of the site.

Hydrology: The two primary hydrogeological units beneath the site are the Chicot and Evangeline Aquifers. The shallower Chicot Aquifer is subdivided into two zones: the Lower and Upper Chicot. The Upper Chicot is made up of interconnected sands that are found within 300 feet below ground surface. Ground water flow in the aquifer is reported to be to the southwest. A shallow, briney ground water zone also exists within a few feet of the surface.

Site Map



Wastes and Volumes

A barge cleaning, sand blasting, and repair facility operated at the site from 1971 to 1998. As part of this operation, residual product recovered from the barges was stored in tanks and sold. Wash waters from barge cleaning were stored in three surface waste impoundments in the north area until closed in 1982. Following closure of the impoundments, the wastewater was stored in a floating barge or storage tanks at the site.

Surface storage tanks located in the concrete berm area contain volatile organic compounds including benzene, chloroform, dichloroethane, and trichloroethylene. Site contaminants include polycyclic aromatic hydrocarbons, pesticides, chlorinated hydrocarbons, and metals. The nature and extent of contamination at the site will be determined during the remedial investigation.

Health Considerations

There is a potential health risk from direct contact with contaminated soils on-site or from the chemicals stored in the tanks. The contaminants also pose environmental risks to the adjacent wetlands via surface runoff or contaminated ground water migration into the wetlands.

The site's Environmental Indicator status is currently "insufficient data" to determine the human exposure under control and ground water migration under control indicators.

Record of Decision

No Record of Decision has been signed for the site. The final remedy (cleanup alternative) for a site is published in a Record of Decision (ROD). The ROD is the official documentation of how the EPA considered the remedial alternatives and why the EPA selected the final remedy.

Before a ROD can be finalized, the EPA must provide a Proposed Plan for public review and comment. This plan summarizes the remedial alternatives presented in the analysis of the remedial investigation and feasibility study, and identifies the preferred alternative, the rationale for that preferred alternative, and documents that support the EPA's decision. The general public will be notified when the Proposed Plan is open for public review and comment.

Community Involvement

Involvement Plan: November 2004
Open Houses: October 2005; August 22, 2003

Proposed Plan: Following completion of remedial investigation & feasibility study.
Public Meeting: Following development of the Proposed Plan
Technical Assistance Grant: September 26, 2002 and May 15, 2003
No Final Applications received

Information Repository: Freeport Branch Library
410 Brazosport Boulevard
Freeport, Texas 77541
(979) 233-3622

Site Contacts

EPA Remediation Project Manager:	Gary Miller	(214) 665-8318
State Project Manager:	Luda Voskov	(512) 239-6368
EPA Community Involvement:	June Hoey	(214) 665-8522
State Community Relations Coordinator	John Flores	(512) 239-5674
EPA Public Liaison	Donn R. Walters	(214) 665-6483
EPA Site Attorney:	Barbara Nann	(214) 665-2157
EPA Toll-Free Telephone Number:		(800) 533-3508